

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND
Baltimore Division**

UNITED STATES OF AMERICA,

v.

ELIAS NICK COSTIANES,

Defendant.

Case No.: 1:21-cr-00458-JKB-1

**MOTION FOR THE U.S. MARSHALS
SERVICE TO PROVIDE NON-
CUSTODIAL TRANSPORTATION
AND SUBSISTANCE FOR TRIAL**

COMES NOW, Elias Costianes, through counsel Joseph R. Conte, to respectfully request this honorable court to direct the U.S. Marshals Service to provide the defendant with travel expenses from Morgantown, West Virginia to Baltimore, Maryland and return to Morgantown, West Virginia and subsistence expenses for the trial. As grounds for this motion counsel would state.

1. Trial in this matter is scheduled for September 12, 2022.
2. Trial is anticipated to last 3-4 days.
3. The defendant resides in Morgantown, West Virginia.
4. The defendant does not have the financial ability to pay the transportation expenses from Morgantown, West Virginia and return and hotel and other expenses for 3-4 days in Baltimore, Maryland.¹

¹ The defendant is eligible for court appointed counsel.

5. 18 U.S.C. §4285 provides:

Any judge or magistrate judge of the United States, when ordering a person released under chapter 207 on a condition of his subsequent appearance before that court, any division of that court, or any court of the United States in another judicial district in which criminal proceedings are pending, may, when the interests of justice would be served thereby and the United States judge or magistrate judge is satisfied, after appropriate inquiry, that the defendant is financially unable to provide the necessary transportation to appear before the required court on his own, direct the United States marshal to arrange for that person's means of noncustodial transportation or furnish the fare for such transportation to the place where his appearance is required, and in addition may direct the United States marshal to furnish that person with an amount of money for subsistence expenses to his destination, not to exceed the amount authorized as a per diem allowance for travel under section 5702(a) of title 5, United States Code. When so ordered, such expenses shall be paid by the marshal out of funds authorized by the Attorney General for such expenses.

WHEREFORE counsel respectfully requests that this honorable court order the U.S. Marshals service to pay transportation and subsistence to the defendant for his appearance at the trial.

Dated: July 22, 2022

Respectfully submitted,

Joseph R. Conte, Bar #21979
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